

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

GALLAGHER & LATHROP, PC 601 CALIFORNIA STREET, SUITE 1111 SAN FRANCISCO, CA 94108

COPY MAILED

SEP 1 7 2004

In re Application of

Peter G. Craven et al

Application No. 10/694,712

Filed: October 27, 2003

Attorney Docket No. D0L06511

OFFICE OF PETITIONS.

: DECISION ON PETITION

: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 30, 2004, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED** as moot.

Unfortunately, the instant petition was not received within sufficient time to avert the issuance of the above-identified application into a patent. The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue.

Since this application has issued, the concurrently filed request for continued examination (RCE) is improper and will not be processed. In view thereof, no fee has been assessed to the RCE. Further, no fee has been assessed to the instant petition under 37 CFR 1.313(c)(2).

The Information Disclosure Statement has been placed in the record of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (703) 305-8680. Effective September 27, 2004, the new phone number will be 571-272-3218.

**Petitions Examiner** 

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy